

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROGER M. SERAFIN,

Plaintiff,

vs.

Civ. No.

18-01053 SMV

**ANDREW SAUL,
Commissioner of the Social Security
Administration,**

Defendant.

**ORDER GRANTING STIPULATION TO AWARD OF ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Stipulation of Award of Attorney Fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (Doc. 22), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to her attorney in the amount of 7,500.00. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



UNITED STATES MAGISTRATE JUDGE
STEPHAN M. VIDMAR

SUBMITTED AND APPROVED BY:

Filed Electronically 11/13/19

Laura Johnson
Attorney for Plaintiff

Electronically Approved 11/12/19

STEVEN W. MARTYN
Special Assistant United States Attorney
Office of General Counsel, Region VIII
Attorney for Defendant